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Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis

Sec. 1 Amend rules. Resolved: That the Department of Environmental Protection shall amend Chapter 11: Administrative Regulations for Hydropower Projects, section 5, paragraph A by adding language that will clarify that:

1. The Board of Environmental Protection and the Maine Land Use Regulation Commission must quantify any significant economic benefits to the public that hydropower projects will result in;

2. In cases involving new dams a cost-benefit analysis must also include a description of any increases in the income or purchasing power of citizens of the State, any changes in energy security from reducing dependence upon greenhouse gas emissions, economic impacts to the subject community, recreation opportunities, erosion and water quality impacts in the short and long term and preservation and creation of employment opportunities for workers of the State;

3. In environmental mitigation an applicant for a permit to construct or reconstruct a hydropower project is required to comply with the existing environmental standards of the State;

4. When considering the environmental and energy effects of a project, a determination that the advantages of the project are greater than the direct and cumulative adverse impacts over the life of the project has been made, with that determination clearly defined with supporting data and analysis; and

5. The board or commission shall make a detailed and specific written finding of fact with supporting analysis and documentation that is specific to the nature and magnitude of the impact of the project on each of the considerations in this resolve. The board or commission shall also make a written detailed quantified explanation of the board's or commission's use of these findings in reaching the board's or commission's decision that clearly delineates the costs and benefits of the project. The attached value or weight parameters must be identified by the board or commission prior to the finding of fact process; and be it further

Sec. 2 Rules. Resolved: That rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This resolve requires the Department of Environmental Protection to amend its rules for hydropower projects to require a detailed cost-benefit analysis.